

# UNITED STATES DISTRICT COURT

for the

District of New Mexico

SEP 23 2021

United States of America

v.

BENNICK YAZZIE  
YEAR OF BIRTH 1990

Case No. MJ 21-1444 BPB

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 2015 to August 2021 in the county of San Juan in the  
                     District of New Mexico, the defendant(s) violated:

*Code Section*  
 Title 18 U.S.C. 2241(c)

18 USC 1153

2246(2)(A)

*Offense Description*  
 Aggravated Sexual Contact of a Child younger Than 12 Years Old  
 Crimes Occurring in Indian Country  
 Penetration of the vagina with the penis

This criminal complaint is based on these facts:

The affidavit of Special Agent Alyson Berry is incorporated herein by reference.

☒ Continued on the attached sheet.


Complainant's signature

Special Agent Alyson Berry

Printed name and title

Sworn to before me and signed in my presence.

Date: 09/23/2021City and state: Farmington, New Mexico


Judge's signature

B. Paul Briones, United States Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF  
CRIMINAL COMPLAINT AND PROBABLE CAUSE ARREST

I, Alyson Berry, being duly sworn, state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. This affidavit is made in support of a Criminal Complaint for Bennick YAZZIE, (referred to herein as “YAZZIE”), year of birth 1990.

2. I am a Special Agent with the United States Department of Justice, Federal Bureau of Investigation (FBI) and have been employed as such since July 2020. I am currently assigned to the Albuquerque Division of the FBI, Farmington Resident Agency. I have primary investigative responsibility for investigating crimes that occur in Indian Country, including violent crimes such as murder, robbery, arson, aggravated assault, and sexual assault. As a Federal Agent, I am authorized to investigate violations of the laws of the United States and have authority to execute arrest and search warrants issued under the authority of the United States.

3. This affidavit is based upon information reported to me by other federal, state, and local law enforcement officers during the course of their official duties. Throughout this affidavit, reference will be made to law enforcement officers. Law enforcement officers are those federal, state, and local law enforcement officers who have directly participated in this investigation. This affidavit is also based upon information gained from interviews with cooperating citizen witnesses, whose reliability is established separately herein.

4. Based on my training, experience, and the facts set forth in this affidavit, I believe there is probable cause that violations of United States Code Title 18 §§ 2241(c), 2246(2)(A) and 1153 – aggravated sexual abuse of a child under the age of 12 years, penetration of the vagina with the penis, within Indian country, were committed by YAZZIE.

5. Because this affidavit is submitted for the limited purpose of securing authorization for a Criminal Complaint and Arrest Warrant, I have not included each and every fact known to me concerning this investigation. This affidavit is intended to show that there is sufficient probable cause for the requested warrant.

#### PROBABLE CAUSE

6. On September 22, 2021, a child forensic interview was conducted with the alleged victim S.C. year of birth 2006 (referred to herein as “Jane Doe”). During said interview, Doe disclosed that from the ages of 9 to 14, approximately 2016 to 2021, her stepfather, YAZZIE, sexually assaulted her through groping under the clothes, digital penetration, oral penetration, and penile penetration. The incidents occurred roughly once per week when YAZZIE would drink alcohol. Doe further disclosed YAZZIE penetrated her vaginally, anally, and forced her to perform oral sex. The last incident occurred on or about the first week of August 2021.

7. On September 23, 2021, an interrogation of YAZZIE was performed at the Navajo Nation Department of Criminal Investigations located in the Nataani Nez Complex in Shiprock, New Mexico. In speaking to your affiant, YAZZIE recalled an instance when Doe was 11 years of age, approximately October 2017 to October 2018, and the two had sexual intercourse in her bedroom. YAZZIE described Doe sitting on him, facing him, and the two had no pants on. YAZZIE remembered Doe’s silhouette and was able to describe what he remembered seeing.

8. YAZZIE defined “sex” as penetration of the penis into the vagina.

9. When asked how many times YAZZIE and Doe had sex, YAZZIE responded, “five or six.” YAZZIE also confirmed he performed oral sex on Doe once, and she performed oral sex on him once.

10. At the time of the interview, YAZZIE lived with a minor female stepchild in the home in which he was residing.

JURISDICTIONAL STATEMENT

11. The offenses detailed in this affidavit were committed within the exterior boundaries of the Navajo Indian Reservation.

12. Both Jane Doe and YAZZIE are an enrolled members of the Navajo Tribe.

CONCLUSION

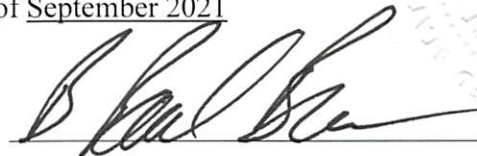
13. Based on my training, experience, and the facts as set forth in this affidavit, there is probable cause to believe that violations of United States Code Title 18 §§ 2241(c), 2246(2)(A) and 1153 – aggravated sexual abuse of a child under the age of 12 years, penetration of the vagina with the penis, within Indian country, were committed by YAZZIE by sexually assaulting Jane Doe on numerous occasions, including prior to her attaining the age of 12 years.

14. Supervisory Assistant United States Attorney Kyle Nayback reviewed and approved this affidavit and Criminal Complaint.

  
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Alyson Berry  
Special Agent  
Federal Bureau of Investigation

Subscribed and sworn before me this 23<sup>rd</sup> day of September 2021

  
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United States Magistrate Judge